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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,481	09/26/2003	Paul Moshenrose	20501/526	8242

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THE OLLILA LAW GROUP LLC
2060 BROADWAY
SUITE 300
BOULDER, CO 80302

EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,481	MOSHENROSE, PAUL	
	Examiner	Art Unit	
	Theresa T. Snider	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-5, 7-11, 13-15 and 17-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Senné.

Senné discloses a chassis and handle (fig. 1, #13, col. 3, lines 45-51).

Senné discloses one or more agitators rotatable affixed to the chassis and rotated by movement of the chassis (fig. 2, #24, col. 2, lines 32-35).

With respect to claims 1, 7 and 17, Senné discloses a vacuum port formed in the chassis and spaced apart from the handle communicating with the agitator (figs. 2-3, #38,24, fig. 3, unnumbered opening formed between the 2-27s is spaced below(apart from) the handle).

With respect to claims 3, 5, 13 and 15, Senné discloses one or more collection bins attached to the chassis and positioned to receive debris from the agitator and in communication with the vacuum port (fig. 3, #12,13).

With respect to claims 4, 8, 14 and 18, Senné discloses the vacuum port adapted to receive a vacuum cleaner hose (fig. 2, #39).

With respect to claims 9, 19 and 21-22, Senné discloses the bins removably attached to the chassis (col. 4, lines 24-25).

With respect to claims 10 and 20, Senné discloses the bins are formed in the chassis (fig. 2, #12,13).

With respect to claims 11 and 15, the apparatus of Senné would inherently provide the claimed methods.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lilly.

Lilly discloses a chassis and handle (fig. 1, #10,57).

Lilly discloses one or more agitators rotatable affixed to the chassis and rotated by movement of the chassis (figs. 3-4, #41, col. 3, lines 62-66).

Lilly discloses a vacuum port formed in the chassis and spaced apart from the handle communicating with the agitator (fig. 3, #52,54, #54 is spaced below(apart from) the handle).

With respect to claims 4, Lilly discloses the vacuum port adapted to receive a vacuum cleaner hose (fig. 1, #58).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senné as applied to claims 1 and 5 respectively above, and further in view of Sovis et al..

Senné discloses a similar sweeper however fails to disclose a removable cover for the port.

Sovis et al. discloses a floor care appliance with a vacuum port having a removable cover (fig. 2, #134,140). It would have been obvious to one of ordinary skill in the art to

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provide the removable cover of Sovis et al. in Senné to ensure there is no leakage around the port when not in use to allow for the most effective collection of dirt.

IF the claims were to be amended to clearly reflect that both the handle and the vacuum port are formed in the outer surface of the chassis, the below rejections would be applicable.

6. Claims 1, 3-5, 7-11, 13-15 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senné in view of Ragner.

Senné discloses a similar floor sweeper however fails to disclose a vacuum port formed on an outer surface of the chassis.

Senné discloses a chassis and handle (fig. 1, #13, col. 3, lines 45-51).

Senné discloses one or more agitators rotatable affixed to the chassis and rotated by movement of the chassis (fig. 2, #24, col. 2, lines 32-35).

With respect to claims 1, 7 and 17, Senné discloses a vacuum port formed in the chassis and spaced apart from the handle communicating with the agitator (figs. 2-3, #38,24, fig. 3). Ragner discloses a chassis with a handle attached to and extending therefrom, one or more agitators rotatable affixed to the chassis, a vacuum port formed in the chassis and spaced apart from the handle communicating with the agitator and adapted to receive a removable vacuum hose (fig. 4, #170, 162, 54, 168, vacuum port being implied by line 167c going from inside 170 to inside hose). It would have been obvious to one of ordinary skill in the art to provide the vacuum port of Senné at a distinct location on the outer surface of the chassis, as disclosed by

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Ragner in figures 1 and 4-5, because they are interchangeable design choices to achieve the same result, that of removing material from the chassis.

With respect to claims 3, 5, 13 and 15, Senné discloses one or more collection bins attached to the chassis and positioned to receive debris from the agitator and in communication with the vacuum port (fig. 3, #12,13).

With respect to claims 4, 8, 14 and 18, Senné discloses the vacuum port adapted to receive a vacuum cleaner hose (fig. 2, #39). Ragner discloses the vacuum port adapted to receive a vacuum cleaner hose (fig. 4, #168, fig. 5, #206,204).

With respect to claims 9, 19 and 21-22, Senné discloses the bins removably attached to the chassis (col. 4, lines 24-25).

With respect to claims 10 and 20, Senné discloses the bins are formed in the chassis (fig. 2, #12,13).

With respect to claims 11 and 15, the apparatus of Senné would inherently provide the claimed methods.

7. Claims 2, 6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senné in view of Ragner as applied to claims 1 and 5 respectively above, and further in view of Sovis et al..

Senné discloses a similar sweeper however fails to disclose a removable cover for the port.

Sovis et al. discloses a floor care appliance with a vacuum port having a removable cover (fig. 2, #134,140). It would have been obvious to one of ordinary skill in the art to

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provide the removable cover of Sovis et al. in Senné in view of Ragner to ensure there is no leakage around the port when not in use to allow for the most effective collection of dirt.

8. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly in view of Ragner.

Lilly discloses a similar floor sweeper however fails to disclose a vacuum port formed on an outer surface of the chassis.

Lilly discloses a chassis and handle (fig. 1, #10,57).

Lilly discloses one or more agitators rotatable affixed to the chassis and rotated by movement of the chassis (figs. 3-4, #41, col. 3, lines 62-66).

Lilly discloses a vacuum port formed in the chassis and spaced apart from the handle communicating with the agitator (fig. 3, #52,54, #54 is spaced below(apart from) the handle). Ragner discloses a chassis with a handle attached to and extending therefrom, one or more agitators rotatable affixed to the chassis, a vacuum port formed in the chassis and spaced apart from the handle communicating with the agitator and adapted to receive a removable vacuum hose (fig. 4, #170, 162, 54, 168, vacuum port being implied by line 167c going from inside 170 to inside hose). It would have been obvious to one of ordinary skill in the art to provide the vacuum port of Senné at a distinct location on the outer surface of the chassis, as disclosed by Ragner in figures 1 and 4-5, because they are interchangeable design choices to achieve the same result, that of removing material from the chassis.

With respect to claims 4, Lilly discloses the vacuum port adapted to receive a vacuum cleaner hose (fig. 1, #58).

Response to Arguments

9. Applicant's arguments filed 10/26/2006 have been fully considered but they are not persuasive. Applicant argues Senné does not disclose a vacuum port that is formed in the chassis and spaced apart from the handle. This argument is not persuasive because Senné discloses a 'vacuum port that is formed in the chassis', figure 3, unnumbered port formed between the 2-27s. It is noted that this port is spaced apart from (located below, not contacting) handle #39. Applicant argues Senné does not disclose a separate vacuum port that can be used or not used independently of the handle. This argument is not persuasive because the handle of Senné is removable (col. 3, lines 38). If one removed the handle, a hose could be attached to the port and one could perform vacuum cleaning. It is noted that the claim does not structurally limit the vacuum port to being capable of being used or not used independently of a handle.

Applicant argues Lilly does not disclose a vacuum port that is formed in the chassis and spaced apart from the handle. This argument is not persuasive because Lilly discloses a 'vacuum port that is formed in the chassis', figure 3, #57. It is noted that this port is spaced apart from (located below, not contacting) handle #57. Applicant argues Lilly does not disclose a separate vacuum port that can be used or not used independently of the handle. This argument is not persuasive because the handle of Lilly could be removed from the chassis (col. 3, lines 38). If one removed the handle, a hose could be attached to the port and one could perform vacuum

cleaning. It is noted that the claim does not structurally limit the vacuum port to being capable of being used or not used independently of a handle.

It is noted the new grounds of rejection discloses a vacuum port formed in a chassis and spaced apart from the handle (see above).

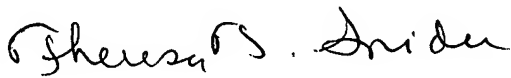
Applicant argues Sovis et al. fails to disclose a cover for a vacuum port but rather discloses a valve for redirecting suction from one passageway to another. This argument is not persuasive because, while the cover/valve of Sovis et al. may be redirecting suction it is also covering a vacuum port to prevent usage thereof (col. 6, lines 43-52).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Theresa T. Snider
Primary Examiner
Art Unit 1744

1/21/07